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Dana DeBeauvoir
Travis County Clerk
C-1-CV-21-004243
Ruby Ontiveros

CAUSE NO. C-1-CV-21-004243

Brittany Gordon, individually and as next
friend of [REDACTED], a minor

Plaintiff,

VS.

Emerald Wood KinderCare Learning
Center and Kinder Care Learning Centers,
LLC,

Defendants

IN THE COUNTY COURT LAW

NO. 1

TRAVIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

Now comes Plaintiff Brittany Gordon, individually and as next friend of [REDACTED], a minor, and files this Plaintiff's Original Petition complaining of Defendants Emerald Wood KinderCare Learning Center and KinderCare Learning Centers, LLC.

I. DISCOVERY PLAN LEVEL

1. Plaintiff intends to conduct discovery under Level 3 of Tex. R. Civ. P. 190.4 and affirmatively pleads that this suit is not governed by the expedited actions process in Tex. R. Civ. P. 169.

II. PARTIES

2. Plaintiff Brittany Gordon is an individual residing in Austin, Travis County, Texas. She brings this suit individually and as next friend of her minor daughter [REDACTED].

3. Defendant Emerald Wood KinderCare Learning Center is a business operating at 610 Emerald Wood Drive in Austin, Travis County, Texas 78745. This Defendant can be served by serving the center director Angela Holden at that address. Citation is requested.

Defendant KinderCare Learning Centers LLC is a foreign, limited liability company doing business in Texas. This Defendant can be served by serving it's registered agent Corporation Service Company D/B/A CSC- Lawyers Incorporating Service Company at 211 E. 7th Street Suite 620, Austin, Tx. 78701. Citation is requested.

III. JURISDICTION AND VENUE

4. Damages sought are within the jurisdictional limits of this Court. In accordance with Tex. R. Civ. P. 47, Plaintiff seeks monetary relief of more than \$100,000 but less than \$250,000.

5. Pursuant to Tex. Civ. Prac. & Rem. Code § 15.002, venue is proper in Travis County, Texas, because all or a substantial part of the events giving rise to the case occurred in Travis County, Texas.

IV. FACTUAL BACKGROUND

6. On December 10, 2019, [REDACTED] was a four-year old student enrolled at the Defendant Emerald Wood KinderCare Learning Center located at 610 Emerald Wood Drive in Austin, Travis County, Texas. The facility is operated in conjunction with Defendant KinderCare Learning Centers LLC. The child was negligently left unattended and was unsupervised by the Defendants (acting by and through their employees, agents, and servants) and was permitted to insert a paper clip into an electric wall socket. The child received an electrical shock and burns on her hand which has proximately resulted in injuries and damages for while her mother, Plaintiff Brittany Gordon, seeks recovery both individually and as her daughter's next friend.

V. CAUSES OF ACTION

7. The Defendants, jointly and severally, were negligent on the occasion in question and such negligence proximately caused injury to the minor child and damages to the Plaintiff. Such negligence includes premises liability and negligent activity claims. The Defendants were negligent in or more of the following particulars:

- a. Failing to provide a safe environment for children including leaving uncovered, or inadequately covered, electrical outlets which constituted an unreasonably dangerous conditions about which the Defendant's neither warned nor attempted to eliminate the damage prior to the child's injury. Such failure to exercise ordinary care to warn of the risk or to eliminate the risk constitutes negligence which was a proximate cause of the minor's injury and the Plaintiff's damages;
- b. Failing to supervise properly children enrolled at the school so as to protect them from harm and eliminate any opportunity in which they could be exposed to electrical shocks and burns. Such negligence in supervising the children in their care and charge constitutes a negligent activity which was a proximate cause of the minor's injury and Plaintiff's damages;

VI. DAMAGES

8. The Defendants negligence, committed jointly and severally, was a proximate cause of the minor [REDACTED]'s injury and the Plaintiff Brittany Gordon's damages. Plaintiff Gordon brings this action individually and as her daughter [REDACTED]'s next friend to recover the following elements of damages, both up to the time of trial and beyond:

- a. reasonable and necessary medical bills incurred on behalf of [REDACTED]
[REDACTED]
- b. [REDACTED]'s physical pain and mental anguish;
- c. [REDACTED]'s physical impairment;
- d. [REDACTED]'s disfigurement; and
- e. Plaintiff Brittany Gordon's lost wages incurred as a result of having to care for her injured daughter and for having to take her to necessary medical appointments.

Considering each of these elements, Plaintiff has suffered damages within the jurisdictional limits of this court.

VII. REQUEST FOR DISCLOSURES

9. Pursuant to Tex. R. Civ. P. 194, each Defendant is requested to disclose the information and material described therein.

VIII. NOTICE

10. Pursuant to Tex. R. Civ. P. 193.7, Plaintiff hereby gives notice to the Defendants that any and all documents produced by any party may be used at trial or hearing without necessity of further authentication.

IX. JURY DEMAND

11. Pursuant to Tex. R. Civ. P. 216, Plaintiff requests a jury trial by jury tenders the appropriate fee.

X. PRAYER

12. Wherefore, premises considered, Plaintiff prays that the Defendants be cited to appear and answer, and that Plaintiff have judgement against the Defendants, jointly and severally for actual damages; pre-judgment and post judgment interest at the legal rates on the appropriate elements of damages for the time periods permitted by law; costs of court; and all other relief, at law or in equity, to which Plaintiff is justly entitled.

Respectfully submitted,

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